

125712

DEPT. OF TRANSPORTATION  
DOCKETS

**BEFORE THE  
UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

APR -5 PM 1:57

**IN THE MATTER OF:**

**WASTE MANAGEMENT OF UTAH, INC.  
USDOT#389289**

**Petitioner.**

**Docket No. FMCSA-  
2001-9083 - 8**

**(Western Service Center)**

**FINAL ORDER UNDER 49 C.F.R. § 385.15**

This matter comes before me on an August 14, 2000, Petition for Administrative Review submitted by Dan Howard, Environment, Health and Safety Manager, for Waste Management of Utah, Inc., d/b/a Waste Management of Utah, Inc., seeking review of an unsatisfactory safety fitness rating issued on August 2, 2000. This proposed rating ultimately became the assigned rating of this carrier effective on September 16, 2000. This proceeding is governed by the regulations on Safety Fitness Procedures found at 49 C.F.R. Part 385. This petition for review was timely filed in accordance with the Federal Motor Carrier Safety Regulations (FMCSRs).

The Federal Motor Carrier Safety Administration (FMCSA) conducted a Compliance Review (CR) of the Petitioner, which concluded on August 2, 2000. The review documented two violations of the FMCSRs. One violation was identified as a critical violation as listed in 49 C.F.R. Part 385, Appendix B, Subsection VII. Consequently this critical violation and the carrier's accident rate were the significant factors that had an effect on the motor carrier's

safety fitness rating. On January 31, 2001, prior to a decision being issued in this administrative proceeding, the FMCSA conducted a subsequent CR, giving the Petitioner a conditional rating. Therefore the petition for review of the August 2, 2000 CR is moot and this proceeding is dismissed. Petitioners' safety fitness rating remains "conditional."

Issued this 29 day of March 2001.

A handwritten signature in black ink, reading "Charles A. Horan", is written over a horizontal line.

Charles A. Horan, Director

Office of Enforcement and Compliance<sup>1</sup>

---

<sup>1</sup>Pursuant to an internal reorganization, the Director, Office of Enforcement and Compliance, performs the functions previously performed by the Director, Office of Motor Carrier Enforcement. The Director, Office of Motor Carrier Enforcement, pursuant to an earlier internal reorganization, performed the functions previously performed by the Director, Office of Motor Carrier Field Operations. See, 49 C.F.R. § 385.15(a).

## CERTIFICATE OF SERVICE

This is to certify that on the 30<sup>th</sup> day of March, 2001, the undersigned served in the following manner the designated number of copies of this Final Order Under 49 C.F.R. § 385.15 to each party listed below:

Terry Shelton, Director  
Federal Motor Carrier Safety Administration  
Data Analysis and Information System  
400 7th Street, SW., Room 3104  
Washington, D.C. 20590

One Copy  
Hand Delivery

Nicholas R. Walsh  
Federal Motor Carrier Safety Administration  
Field Administrator  
Western Field Operations  
201 Mission Street, Suite 2100  
San Francisco, CA. 94105

One Copy  
U.S. Mail

Dan Howard  
Environment, Health and Safety Manager  
Waste Management of Utah, Inc.  
8652 South 4000 West  
West Jordan, Utah 84088

One Copy  
Certified U.S. Mail

Richard Brennan  
Federal Motor Carrier Safety Administration  
California State Director  
980 9<sup>th</sup> Street  
Sacramento, California 95814

One Copy  
U.S. Mail

U.S. DOT Dockets  
United States Department of Transportation  
400 Seventh St., S.W., Room PL-401  
Washington, D.C. 20590

One Copy  
Hand Delivery

Steve Farbman, Adjudication Counsel  
Federal Motor Carrier Safety Administration  
Office of the Chief Counsel, MC-CC // M11300  
400 7th Street, SW., Room 3419  
Washington, D.C. 20590

One Copy  
Hand Delivery

Joseph Solomey, Trial Attorney  
Federal Motor Carrier Safety Administration  
Office of the Chief Counsel, HCC-20,  
400 7th Street, SW., Room 4213  
Washington, D.C. 20590

One Copy  
Hand Delivery

Ronald Ashby/ Kathleen Molinar  
Federal Motor Carrier Safety Administration  
Acting Enforcement Program Manager/ Field Legal Services  
Eastern Field Operations  
City Crescent Building  
10 South Howard Street, Suite 4000  
Baltimore, Maryland 21201

One Copy Each  
U.S. Mail

Clinton Magby II/ Dave Sett  
Federal Motor Carrier Safety Administration  
Director of Enforcement/ Field Legal Services  
Southern Field Operations  
Atlanta Federal Center  
61 Forsyth Street, SW Suite 17T75  
Atlanta, GA 30303-3104

One Copy Each  
U.S. Mail

James Greg Roling/ Peter W. Snyder  
Federal Motor Carrier Safety Administration  
Enforcement Program Manager/ Field Legal Services  
Midwestern Field Operations  
19900 Governors Drive, Suite 210  
Olympia Fields, IL 60461-1021

One Copy Each  
U.S. Mail

Joanne Haller/ Mary Helen Delgado  
Federal Motor Carrier Safety Administration  
Enforcement Program Manager/ Field Legal Services  
Western Field Operations  
201 Mission Street, Suite 2100  
San Francisco, CA. 94105

One Copy Each  
U.S. Mail

